

MINUTES

ALCOHOL AND TOBACCO COMMISSION

JUNE 2, 2009

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Marc Carmichael, Trevor Vance, Brad Klopfenstein, Mark Webb, Chip Garver, Jim Purucker, Jeff McKean, John Barnett, Bethany Gosewehr, Connie Vickery, Nicole Upano, Peter Rusthoven, A. Scott Chinn and Murray Clark were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the May 19, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the June 2, 2009 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Two hundred forty-seven (247) renewals approved, forty-six (46) new and/or transfer permits approved, twelve (12) permits approved for catering, two (2) permits approved for first year escrow, one (1) permit approved for second year escrow, and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL49-25637 CRYSTAL FLASH PETROLEUM, LLC – Commissioner Guthrie noted this is a new type 116 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-25638 CRYSTAL FLASH PETROLEUM, LLC – Commissioner Guthrie noted this is a new type 116 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL49-25639 CRYSTAL FLASH PETROLEUM, LLC – Commissioner Guthrie noted this is a new type 116 application with the local board voting two (2) to two (2).

Commissioner Guthrie stated two of the local board members stated this location is in close proximity to a school and the business had tobacco violations in the past.

Commissioner Guthrie moved to approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-25640 CRYSTAL FLASH PETROLEUM, LLC – Commissioner Guthrie noted this is a new type 116 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL40-25885 COUNTRY MART DELI & PIZZA, INC. – Commissioner Guthrie noted this is a new type 107 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR20-22963 KESHIA GONZALEZ, D/B/A 7 SECONDS – Commissioner Guthrie noted this is a type 112 renewal with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated the local board cited IC 7.1-3-4-2, as reason for recommending denial.

Commissioner Guthrie moved to uphold the local board and deny the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR85-25850 H. G. GOLF PROPERTIES, LLC, D/B/A HONEYWELL PUBLIC GOLF COURSE – Commissioner Guthrie noted this is a new type 112 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR71-01523 OSCAR’S BILLIARD CLUB, INC. – Commissioner Guthrie noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove.

Commissioner Guthrie stated the local board has continued this matter three times and the permittee has failed to appear.

Commissioner Guthrie moved to uphold the local board and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

INACTIVE FILES – Vice Chairman Johnson moved to make eight (8) permits inactive. Six permits are not subject to auction, and two permits are subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

RR48-06424 STEVE PELLETRINO - Commissioner Guthrie moved to reactivate this permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

PERMITS REVOKED – Commissioner Guthrie stated twenty-one (21) permittees were sent notice to appear before the Commission on this date, regarding the revocation of their permit. None of the permittees appeared at the meeting and; therefore, Commissioner Guthrie moved to revoke those permits. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2009.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER